

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS, MARQUIS
ACKLIN, CECILIA JACKSON, TERESA JACKSON,
MICHAEL LATTIMORE, and JUANY GUZMAN, each
individually, and on behalf of all other persons similarly
situated,

Case No.:
12-CV-4339 (ALC)(JLC)

Plaintiffs,

-against-

THE FRESH DIET, INC., LATE NIGHT EXPRESS
COURIER SERVICES, INC. (FL), FRESH DIET
EXPRESS CORP. (NY), THE FRESH DIET – NY INC.
(NY), FRESH DIET GRAB & GO, INC. (FL) a/k/a YS
CATERING HOLDINGS, INC. (FL) d/b/a YS CATERING,
INC. (FL), FRESH DIET EXPRESS CORP. (FL), SYED
HUSSAIN, Individually, JUDAH SCHLOSS, Individually,
and ZALMI DUCHMAN, Individually,

Defendants.

-----X

DECLARATION IN OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

JEFFERY A. MEYER, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner with the law firm of Kaufman Dolowich & Voluck, LLP, counsel for Defendants in the above-referenced matter. I respectfully submit this Declaration in opposition to Plaintiffs' instant motion seeking class certification, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Affidavit of Yuda Schlass submitted in Opposition to Plaintiffs' First Motion for Class Certification.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Affidavit of Syed Hussain submitted in Opposition to Plaintiffs' First Motion for Class Certification.

4. Attached hereto as **Exhibit C** are true and correct copies of relevant portions of Plaintiff Chow's deposition transcript.

5. Attached hereto as **Exhibit D** are true and correct copies of relevant exhibits identified at Plaintiff Chow's deposition.

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant portions of Plaintiff T. Jackson's deposition transcript.

7. Attached hereto as **Exhibit F** are true and correct copies of relevant exhibits identified at Plaintiff T. Jackson's deposition.

8. Attached hereto as **Exhibit G** is a true and correct copy of relevant portions of Plaintiff Acklin's deposition transcript.

9. Attached hereto as **Exhibit H** is a true and correct copy of relevant portions of Plaintiff DeLarosa's deposition transcript.

10. Attached hereto as **Exhibit I** are true and correct copies of the relevant pages of the tax returns produced by Plaintiffs for Juany Guzman and David Williams.

11. Attached hereto as **Exhibit J** is a true and correct copy of Defendants' Rule 561. Statement.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on this 17th day of June 2014 in Woodbury, New York.



JEFFERY A. MEYER, ESQ.